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**Human rights situations that require the Council's attention**

# Joint written statement* submitted by CIVICUS - World Alliance for Citizen Participation, non-governmental organizations in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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# A Call for Truth and Justice in South Sudan

Citizens for Peace and Justice (CPJ) and CIVICUS are deeply concerned by the dire human rights situation in South Sudan. The conflict first erupted in Juba, South Sudan's capital, on 15 December 2013, before quickly spreading to the state capitals of Bor, Bentiu and Malakal. Within a matter of weeks, what started as a political dispute between President Salva Kiir, former Vice-President Riek Machar, and a number of senior politicians had engulfed much of the country in full-scale civil war. Without robust international support, there is little hope that the perpetrators of the violence will be held to account, that people will know the truth of what happened to their loved ones, and that the country will be able to come to terms with its violent past.

**Context**

In the past two months, international and South Sudanese organizations have documented serious violations of international human rights and humanitarian law, including targeted killings of civilians, sexual violence, torture and the use of child soldiers. Entire towns and villages have been razed to the ground, property has been looted or destroyed, and parties to the conflict have deliberately targeted places of refuge, such as churches and hospitals. Government security sector personnel and non-state armed groups have stolen humanitarian relief supplies and equipment and killed humanitarian personnel. According to the United Nations (UN) Secretary-General, there is also evidence of the use of cluster bombs in Jonglei state.

The crisis has had a devastating impact on the lives of the South Sudanese people. An estimated 900,000 people—almost ten percent of population—have been displaced in just under two months, according to UN Office for the Coordination of Humanitarian Affairs (OCHA). Many of the displaced have sought shelter in UN Mission in South Sudan (UNMISS) camps in affected urban areas. The rainy season is fast approaching, and these displaced populations will face a catastrophic health emergency if the camps are not adequately equipped. It is therefore of utmost urgency that the government and UNMISS ensure that camp conditions meet international standards and that the necessary protection is put in place for displaced persons to return home.

**A Culture of Impunity**

A pervasive culture of impunity has fueled the current violence. Since the end of Sudan's civil war in 2005, serious crimes have been committed in the context of inter-communal and politically motivated conflicts, forced disarmament programs and government counter-insurgency campaigns. Despite repeated calls for justice from affected populations, there has been virtually no accountability. South Sudanese lack confidence in the ability of the justice system to identify, investigate and prosecute wrongdoers. This has contributed to a continuous cycle of revenge and counter revenge between neighboring communities. Until South Sudanese are provided with viable justice options, people will continue to take the law into their own hands to protect themselves and to seek retribution for violent acts against their communities.

The Government of South Sudan's response to atrocities committed during the current conflict has been insufficient. The government has announced at least three separate investigations, and approximately 100 individuals have reportedly been arrested for the targeted killings that took place in Juba during the early days of the conflict. However, little information has been provided about the nature of the investigations or the charges that are being brought. Nor is there any prospect of court proceedings being open to the public or of the accused being guaranteed their right to a fair trial. Given the government's role in the conflict, its track record with past investigations, and the tenor of public statements from senior officials, it is unlikely that government processes will be able to ensure victims' right to a remedy or to the truth.

**Gaps in Monitoring and Documentation**

Intergovernmental agencies have made an effort to investigate violations of international human rights and humanitarian law, but much more is needed. On 30 December 2013, the African Union Peace and Security Council

(AUPSC) called for the creation of a Commission of Inquiry to investigate human rights violations and other abuses committed in South Sudan, and to make recommendations on the best ways to ensure accountability, reconciliation and healing among South Sudanese communities. Six weeks later, the members of the Commission have yet to be named, the terms of reference have not been published, and there are serious concerns about whether the Commission will actually be in a position to conduct thorough investigations.

The UN Office of the High Commissioner for Human Rights (OHCHR) has promised a report on the rights violations that have occurred. Through the UNMISS human rights section, OHCHR has access to some of the most comprehensive reports on the human rights situation that currently exist. This information is critical to providing affected populations with a better understanding of events and to revealing to the international community the seriousness of the crimes that have taken place.

Since the earliest days of the conflict, South Sudanese human rights organizations have worked to document human rights abuses in the country, but they have faced serious difficulties as a result of obstruction by government personnel and other armed groups. A number of prominent human rights defenders have been forced to flee the country due to threats and acts of violence targeted against people who call for criticize the government and call for justice. The public space for engaging the government on issues relating to human rights and fundamental freedoms has been shrinking for several years and the outbreak of this crisis has closed off what little space was left.

**Recommendations**

In light of the preceding observations, CPJ and CIVICUS request the Human Rights Council and its member states to:

- Encourage OHCHR and UNMISS to publish their report as soon as possible and to provide more regular updates and reporting on violations of international human rights and humanitarian law;
- Provide robust technical support to the AU Commission of Inquiry, particularly to ensure that its investigations seek to identify those responsible for crimes with a view to ensuring they are held accountable.
- Monitor government investigations and press for them to be conducted in accordance with international standards.
- Support human rights investigations by South Sudanese civil society actors and insist that the government cease censorship and threats to individuals critical of its human rights record.
- Request commitments from the Government of South Sudan and the SPLM-Opposition to respect people's freedom of association and expression and to allow civil society to publicly discuss the challenges facing the nation in a candid manner without fear of intimidation or violence.
- Encourage visits by special rapporteurs to assess the human rights situation in the country, identify key issues of concern, and develop recommendations for how the Government of South Sudan and other armed groups might address them. Visits by the Special Rapporteur on the human rights of internally displaced persons (IDPs) and the Special Rapporteur on the rights to freedom of peaceful assembly and of association would be especially relevant.
- Recognize the crisis in South Sudan as a situation of major concern and establish an independent expert mandate on the human rights situation in the country.

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Citizens for Peace and Justice (CPJ), a coalition of South Sudanese NGOs, without consultative status, also share the views expressed in this statement.